

Exhibit 3

From: [Jesse Salen](#)
To: [Kapaloski, Tammy](#)
Cc: [Martin Bader](#); patrick@mcgillco.com; NThomas@parsonsbehle.com; LButler@parsonsbehle.com; [Foster, Brett](#)
Subject: Re: Activity in Case 2:21-cv-00668-TC-DBP Blendtec v. Blendjet - Amended Scheduling Order and Remaining Fact Discovery
Date: Tuesday, November 28, 2023 2:04:16 PM
Attachments: [image001.png](#)

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Tammy,

Thank you for your email. BlendJet will agree to continue the restriction of Mr. McGill's access to AEO information, provided that Blendtec agrees: (1) to substantially complete its document production by December 8, 2023; (2) provide us with the categories and volumes of documents that will be part of that production and/or have not yet been produced by the end of this week; and (3) agree to stay the deadline to complete fact discovery until 90 days after receipt of the order that resolves your objection and motion to disqualify, similar to our previous agreement to stay pending deadlines. Please let us know if the above is acceptable, and if so, please provide a draft stipulation for our review.

Also, given the case will be stayed a while longer, we think it may be a good time to check in with our clients on whether there is a possibility to resolve the case without significant additional expense to the parties (understanding that such resolution would involve some form of co-existence). Please let us know if Blendtec would be interested in having such a discussion before the end of the year, and we can send a separate email under FRE 408 to start working out format (I.e., mediation, etc.) and logistics.

Thank you,
Jesse

Jesse A. Salen | Partner
+1 858-720-8964 | direct

+1 619-869-5192 | Cell
JSalen@sheppardmullin.com | [Bio](#)

SheppardMullin

12275 El Camino Real, Suite 100
San Diego, CA 92130-4092
+1 858-720-8900 | main
www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

On Nov 28, 2023, at 12:01 PM, kapaloski.tammy@dorsey.com wrote:

Hi Jesse,

I hope you had a nice holiday weekend. Blendtec has decided to file an Objection to

Judge Pead's Order. We intend to file that objection by or on December 4th, which is Blendtec's deadline to file an objection. We ask that Blendjet stipulate to a continued restriction on Patrick's access to Blendtec's AEO information pending Judge Campbell's ruling on the Objection. Please let us know if Blendjet will agree to this stipulation and we will circulate the proposed stip. If Blendjet will not agree, we will file contemporaneously with our Objection a motion to stay Judge Pead's order pursuant to DUCivR 72-3(a).

We look forward to hearing from you on the requested stipulation.

Regards,
Tammy

From: Kapaloski, Tammy
Sent: Wednesday, November 22, 2023 10:19 AM
To: 'Jesse Salen' <JSalen@sheppardmullin.com>; Foster, Brett <foster.brett@dorsey.com>
Cc: Martin Bader <MBader@sheppardmullin.com>; Patrick McGill <patrick@mcgillco.com>; Nathan Thomas <NThomas@parsonsbehle.com>; Liz Butler <LButler@parsonsbehle.com>
Subject: RE: Activity in Case 2:21-cv-00668-TC-DBP Blendtec v. Blendjet - Amended Scheduling Order and Remaining Fact Discovery

Hi Jesse,

Thanks for your email. We received the hard copy yesterday afternoon and were surprised it apparently took 6 days to go 4 blocks through the U.S. Mail. Blendtec is evaluating the order, including the possibility of filing an objection. Our team is traveling for the Thanksgiving holiday, but we should know our direction and be able to respond to your inquiries by Tuesday. We appreciate your communication in regard to Blendtec's AEO information and would appreciate Patrick's cooperation in not reviewing Blendtec's AEO documents while Blendtec sorts out whether to file an objection.

Thank you and Happy Thanksgiving to you and your team,

Tammy

From: Jesse Salen <JSalen@sheppardmullin.com>
Sent: Tuesday, November 21, 2023 5:28 PM
To: Kapaloski, Tammy <kapaloski.tammy@dorsey.com>; Foster, Brett <foster.brett@dorsey.com>
Cc: Martin Bader <MBader@sheppardmullin.com>; Patrick McGill <patrick@mcgillco.com>; Nathan Thomas <NThomas@parsonsbehle.com>; Liz Butler <LButler@parsonsbehle.com>
Subject: Activity in Case 2:21-cv-00668-TC-DBP Blendtec v. Blendjet - Amended Scheduling Order and Remaining Fact Discovery

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Counsel,

The Court's November 15, 2023 Order Denying Blendtec's Motions to Disqualify Patrick McGill and Compel Compliance with Blendtec's Subpoenas (ECF 167, attached), the Court's Order Granting the Stipulated Motion to Suspend Case Deadlines (ECF 151, attached), and the Court's Order Denying Blendtec's Motion to Expedite Briefing (ECF 115, attached) impose several obligations on the parties that we need to address.

1. First, the parties are required to meet and confer regarding an amended scheduling order by Saturday, November 25, 2023, and jointly submit a proposed order by November 30, 2023. Given the holidays, I recommend that we agree to postpone our meet and confer until Tuesday next week. **Please confirm that works for you, and let us know your availability.**
2. Second, in advance of the meet and confer, **please provide a draft amended scheduling order** for our consideration that sets the close of fact discovery out 90 days from the Court's order (i.e., February 13, 2023).
3. Third, given that the Motion to Disqualify is now resolved, **please complete Blendtec's document production immediately** pursuant to the Court's Order Denying Blendtec's Motion to Expedite Briefing (ECF 115) ("The court, however, will stay Blendtec's obligation to produce additional AEO documents until *resolution* of the Motion as requested.") (emphasis added). Please also confirm the volume and categories of documents that will be included in your production. If Blendtec will not substantially complete its document production prior to our meet and confer, please be prepared to discuss at that time.
4. Finally, in view of the Court's order, we intend to restore Patrick McGill's access to AEO information next week. *See* ECF 115. ("The court FURTHER ORDERS that Mr. McGill not use or access Blendtec's information designated AEO until *resolution* of the Motion.") (emphasis added). **Please let us know by noon on Tuesday if you disagree.**

I hope everyone has a Happy Thanksgiving.

Thanks,
Jesse

Jesse A. Salen | Partner
+1 858-720-8964 | direct

+1 619-869-5192 | Cell
JSalen@sheppardmullin.com | [Bio](#)

SheppardMullin

12275 El Camino Real, Suite 100
San Diego, CA 92130-4092
+1 858-720-8900 | main
www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

From: kapaloski.tammy@dorsey.com <kapaloski.tammy@dorsey.com>
Sent: Friday, June 2, 2023 11:14 AM
To: utdecf_pead@utd.uscourts.gov
Cc: foster.brett@dorsey.com; Jesse Salen <JSalen@sheppardmullin.com>; Martin Bader <MBader@sheppardmullin.com>; patrick@mcgillco.com; ebutler@parsonsbehle.com; NThomas@parsonsbehle.com; davis.trudi@dorsey.com
Subject: FW: Activity in Case 2:21-cv-00668-TC-DBP Blendtec v. Blendjet Motion to Stay

Dear Judge Pead,

Attached is a Word format version of the Proposed Order that was filed today in the above captioned case as ECF No. 145-1.

Regards,
Tammy

Tammy Kapaloski
Senior Attorney
<image001.png>

DORSEY & WHITNEY LLP
111 South Main Street, Suite 2100
Salt Lake City, UT 84111
P:801.933.7360

From: utd_enotice@utd.uscourts.gov <utd_enotice@utd.uscourts.gov>
Sent: Friday, June 2, 2023 12:10 PM
To: ecf_notice@utd.uscourts.gov
Subject: Activity in Case 2:21-cv-00668-TC-DBP Blendtec v. Blendjet Motion to Stay

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

This is an automatic e-mail message generated by the CM/ECF system. If you need assistance, call the Help Desk at (801)524-6100.
*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record in a case to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

US District Court Electronic Case Filing System

District of Utah

Notice of Electronic Filing

The following transaction was entered by Kapaloski, Tamara on 6/2/2023 at 12:10 PM MDT and filed on 6/2/2023

Case Name: Blendtec v. Blendjet

Case Number: [2:21-cv-00668-TC-DBP](#)
Filer: Blendtec
Document Number: [145](#)

Docket Text:

Stipulated MOTION to Stay and Memorandum in Support (*Stay Case Deadlines*) filed by Plaintiff Blendtec. (Attachments: # (1) Text of Proposed Order) Motions referred to Dustin B. Pead.(Kapaloski, Tamara)

2:21-cv-00668-TC-DBP Notice has been electronically mailed to:

Brett L. Foster foster.brett@dorsey.com, brett-foster-2631@ecf.pacerpro.com,
davis.trudi@dorsey.com, stucki.sherri@dorsey.com

Elizabeth Mary Butler ebutler@parsonsbehle.com, shore@parsonsbehle.com

Jesse A. Salen jsalen@sheppardmullin.com

L. Grant Foster foster.grant@dorsey.com, case.kathy@dorsey.com

Martin R. Bader mbader@sheppardmullin.com, ksok@sheppardmullin.com

Nathan D. Thomas NThomas@parsonsbehle.com, ecf@parsonsbehle.com,
shore@parsonsbehle.com

Patrick McGill patrick@mcgillco.com

Tamara L. Kapaloski kapaloski.tammy@dorsey.com, davis.trudi@dorsey.com,
stucki.sherri@dorsey.com, tamara-kapaloski-7290@ecf.pacerpro.com

2:21-cv-00668-TC-DBP Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060034973 [Date=6/2/2023] [FileNumber=5476445-0]
[433c4a382ff6b724c0257fbd600f22e010bc338c293c7ece94105d0d1a6e43396465
d852c0b123081989b041cfd18a6c469eed4ab92c73f4862c35e9b5c1c4dd]]

Document description:Text of Proposed Order

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060034973 [Date=6/2/2023] [FileNumber=5476445-1]
[68cfa9ad809e07178db06672710736f99dc485d45a0ac68db45535c8f52aebd78c39
c0074ea3056b2baafa7f87b8b998eabc308625c421d1b0435597d606e1f1]]

From: Foster, Brett

Sent: Wednesday, November 29, 2023 5:59 PM

To: 'JSalen@sheppardmullin.com' <JSalen@sheppardmullin.com>

Subject: Rule 408 Communication

THIS IS A RULE 408 SETTLEMENT COMMUNICATION

Jesse,

This email responds to your invitation to discuss the possibility of an amicable resolution. Blendtec concurs that it would be a good time to explore this. We are not sure what Blendjet means by co-existence, but Blendtec is unwilling to pursue settlement discussions or mediation with any pre-conditions. Setting or defining the conditions of settlement before discussing settlement or mediation is putting the cart before the horse, in Blendtec's view.

Blendtec is willing to approach settlement discussions and mediation with an open mind. Blendtec will thoughtfully consider any settlement offer Blendjet makes, and expects Blendjet will do the same thing.

In terms of a format, Blendtec doubts that direct top-to-top discussions (between Ryan and Keith) or settlement discussions through legal counsel would be productive. Both parties appear to be deeply entrenched in their positions and both of these options will likely result in the parties advocating their own positions. Neither approach is likely to be productive.

Blendtec believes that your suggestion of mediation is worth pursuing. A good mediator could help the parties resolve all or some of the issues in the case. Even if the mediation does not resolve the case, the parties would get the benefit of a third party view of the case and an objective review of the parties' relative strengths and weaknesses.

If Blendjet remains interested in mediating the case, perhaps we can have a call to discuss some logistics. Getting a date from an effective mediator before the end of the year may be very difficult.

Regards,
Brett

Brett L. Foster

Partner



111 S. Main Street Suite 2100 | Salt Lake City, UT 84111-2176

P: 801.933.4082 **F:** (801) 933-7373

WWW.DORSEY.COM [SALT LAKE CITY](#) [BIO](#) [V-CARD](#)

CONFIDENTIAL COMMUNICATION

E-mails from this firm normally contain confidential and privileged material, and are for the sole use of the intended recipient. Use or distribution by an unintended recipient is prohibited, and may be a violation of law. If you believe that you received this e-mail in error, please do not read this e-mail or any attached items. Please delete the e-mail and all attachments, including any copies thereof, and inform the sender that you have deleted the e-mail, all attachments and any copies thereof. Thank you.